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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,958	01/21/2004	Seishu Sakai	S011-5193	3872

7590

07/07/2004

ADAMS & WILKS
50 Broadway
31st Floor
New York, NY 10004

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,958

Applicant(s)

SAKAI ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 012404.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 7, the recitation "the center" lacks proper antecedent basis and should be corrected to --the transverse center--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki *et al.* '471.

Sasaki *et al.* '471 show a snow removal machine 1 comprising:

left and right auger shafts 17 extending from a transverse center (unnumbered) of the machine 1 leftward and rightward, respectively; and

left and right augers each having an outer auger blade 27a,27b,17a (Fig. 3), an intermediate auger blade 27a,27b,17a (Fig. 3) and an inner auger blade 27a,27b,17a (Fig. 3)

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which extend helically and mounted in the mentioned order from outside toward the transverse center (unnumbered) on the left or right auger shaft 17 for collecting snow to the center,

wherein the outer auger blade 27a,27b,17a (Fig. 3) and the inner auger blade 27a,27b,17a (Fig. 3) are positioned along a common first helical path and the intermediate auger blade 27a,27b,17a (Fig. 3) is positioned along a second helical path phase-shifted substantially 180 degrees with respect to the first helical path.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki *et al.* '915.

Sasaki *et al.* '915 show a snow removal machine 1 comprising:

left and right auger shafts 76 (Fig. 10) extending from a transverse center (unnumbered) of the machine 1 leftward and rightward, respectively; and

left and right augers each having an outer auger blade 80 (Fig. 10), an intermediate auger blade 80 (Fig. 10) and an inner auger blade 80 (Fig. 10) which extend helically and mounted in the mentioned order from outside toward the transverse center (unnumbered) on the left or right auger shaft 76 for collecting snow to the center,

wherein the outer auger blade 80 (Fig. 10) and the inner auger blade 80 (Fig. 10) are positioned along a common first helical path and the intermediate auger blade 80 (Fig. 10) is positioned along a second helical path phase-shifted substantially 180 degrees with respect to the first helical path.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ruhl '247.

Ruhl '247 shows a snow removal machine (Fig. 1) comprising:

left and right auger shafts 59 (Fig. 4) extending from a transverse center (unnumbered) of the machine (Fig. 1) leftward and rightward, respectively; and

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left and right augers each having an outer auger blade (unnumbered; Fig. 4), an intermediate auger blade (unnumbered; Fig. 4) and an inner auger blade (unnumbered; Fig. 4) which extend helically and mounted in the mentioned order from outside toward the transverse center (unnumbered) on the left or right auger shaft 59 for collecting snow to the center,

wherein the outer auger (unnumbered; Fig. 4) and the inner auger blade (unnumbered; Fig. 4) are positioned along a common first helical path and the intermediate auger blade (unnumbered; Fig. 4) is positioned along a second helical path phase-shifted substantially 180 degrees with respect to the first helical path.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference '025.

Japanese reference '025 shows a snow removal machine 1 comprising:

left and right auger shafts 39 (Fig. 5) extending from a transverse center (unnumbered) of the machine 1 leftward and rightward, respectively; and

left and right augers each having an outer auger blade 41 (Fig. 5), an intermediate auger blade 41 (Fig. 5) and an inner auger blade 41 (Fig. 5) which extend helically and mounted in the mentioned order from outside toward the transverse center (unnumbered) on the left or right auger shaft 39 for collecting snow to the center,

wherein the outer auger blade 41 (Fig. 5) and the inner auger blade 41 (Fig. 5) are positioned along a common first helical path and the intermediate auger blade 41 (Fig. 5) is positioned along a second helical path phase-shifted substantially 180 degrees with respect to the first helical path.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference '623.

Japanese reference '623 shows a snow removal machine 1-3 comprising:

left and right auger shafts 5 (Fig. 1) extending from a transverse center (unnumbered) of the machine 1-3 leftward and rightward, respectively; and

left and right augers each having an outer auger blade 8 (Fig. 1), an intermediate auger blade 8 (Fig. 1) and an inner auger blade 8 (Fig. 1) which extend helically and mounted in the mentioned order from outside toward the transverse center (unnumbered) on the left or right auger shaft 5 for collecting snow to the center,

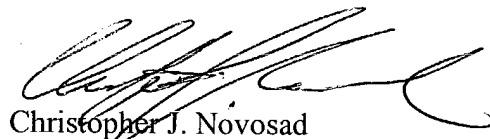
wherein the outer auger blade 8 (Fig. 1) and the inner auger blade 8 (Fig. 1) are positioned along a common first helical path and the intermediate auger blade 8 (Fig. 1) is positioned along a second helical path phase-shifted substantially 180 degrees with respect to the first helical path.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

June 28, 2004